

REMARKS

The Applicant thanks the Examiner for the thorough consideration given the present application. Claims 1-20 are pending. Claims 3 and 7-16 are amended and claims 17-20 are added. Claims 1 and 9 are independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

Allowable Subject Matter

The Examiner states that claims 1-8 are allowed, and that claim 10-16 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Applicant appreciates the Examiner's early indication of allowable subject matter. As indicated below, rather than rewriting any of objected to claims 10-16 in independent form at this time, instead, independent claim 9 is amended herein to recite a novel combination of elements not suggested by the reference cited by the Examiner.

Therefore, independent claim 9 is in condition for allowance.

Claim for Priority

It is gratefully acknowledged that the Examiner has recognized the Applicant's claim for foreign priority.

Acknowledgement of Information Disclosure Statement

It is gratefully acknowledged that the Examiner has acknowledged the Information Disclosure Statements filed on September 19, 2003 and December 17, 2003.

Claim Objection

Claims 9-16 are amended to address the issues pointed out by the Examiner.

Rejection Under 35 U.S.C. §102(a)

Claim 9 stands rejected under 35 U.S.C. §102(a) as being anticipated by Pelletier et al. (U.S. 6,397,836). This rejection is respectfully traversed.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, independent claim 9 is amended herein to recite a combination of elements directed to a damper including a first end and a second end, said first end being mounted on a vehicle wall adjacent to a rear opening in a position above said second end, and said second end being secured to said distal end of said hinge arm.

Support for a damper including a first end and a second end, said first end being mounted on a vehicle wall adjacent to a rear opening in a position above said second end, and said second end being secured to said distal end of said hinge arm can be seen, for example, in FIGS. 4-7 and 11-13.

Applicant respectfully submits that this combination of elements as set forth in independent claim 9 is not disclosed or made obvious by the prior art of record, including Pelletier et al.

Applicant respectfully submits that Pelletier et al. merely disclose a damper mounted on an oven door, fail to disclose a damper including a first end and a second end, said first end being mounted on a vehicle wall adjacent to a rear opening in a position above said second end, and said second end being secured to said distal end of said hinge arm, as set forth in independent claim 9, as amended herein.

At least for the reasons explained above, Applicant respectfully submits that the combination of elements as set forth in independent claim 9 is not disclosed or made obvious by the prior art of record, including Pelletier et al. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Therefore, claim 9 is in condition for allowance.

The Examiner is advised that claims 17-20 are added herein to set forth additional novel features of the present invention. Support for added claims 17 and 19 can be seen in FIG. 7, and support for added claims 18 and 20 can be seen in FIG. 12.

Claims 1-8 are allowed.

All dependent claims are in condition for allowance due to their dependency from allowable independent claims, or due to the additional novel limitations set forth therein.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §102(b) are respectfully requested.

CONCLUSION

Since the remaining patents cited by the Examiner have not been utilized to reject claims, but merely to show the state of the art, no comment need be made with respect thereto.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

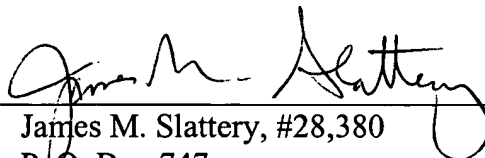
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 205-8000.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By



James M. Slattery, #28,380
P. O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

JMS:CTT/ags/ndb

